THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.13077 of 2006

Dated: 03-07-2006

Between:

Sai Geetanjali High School, Warangal.

..... PETITIONER

AND

The Mandal Revenue Officer, Warangal, and one another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.13077 of 2006

ORDER:

Sai Geetanjali High School, Jangaid Village, Bhoopalpally Mandal, is the petitioner. It is established by Sai Geetanjali Educational Society, which constructed a school for class I to X in the land admeasuring Ac.0.27 guntas in survey No.302 situated at Jangaid Village, Bhoopalpally Mandal, Warangal District. Be that as it is, first respondent initiated action under the provisions of the Andhra Pradesh Land Encroachment Act, 1905 (the Act, for brevity), and issued a notice under Section 7 of the Act on 16-12-2005 alleging that the petitioner-school encroached upon the government land to an extent of Ac.1-00. The petitioner submitted explanation. After considering the explanation, the Mandal Revenue Officer passed orders on 26-05-2006 under Section 6 of the Act and issued notice accordingly. Aggrieved by the same, the petitioner preferred an appeal before the District Collector, Warangal, on
22-06-2006, along with an application for stay. Alleging that the application for stay was not disposed of by the District Collector, again the petitioner filed the present writ petition assailing the notice issued under Section 6 of the Act.

A perusal of Section 10 read with Section 1-A (a) of the Act, the definition of Collector, would show that the Appellate Authority against the order of Mandal Revenue Officer is Revenue Divisional Officer and not the District Collector. Therefore, if a person presents the appeal to an improper Authority, such person cannot be heard to say that there is laxity on the part of the Appellate Authority. Therefore, without expressing any opinion on merits of the case, the petitioner is given liberty to file appeal before the Revenue Divisional Officer concerned within a period of one week from today and also file an application for appropriate stay orders. As and when such an application is filed, the Revenue Divisional Officer may consider the same and pass orders immediately. The appeal itself may be disposed of within a reasonable time. As the petitioner has an effective alternative remedy, this Court is not inclined to express any opinion on merits of the case.

The writ petition, with the above observations and directions, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

3rd July, 2006
Note:
Dispatch the order by 05-07-2006
B/o
ghn